

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

JEFFREY TAYLOR,  
Petitioner,

Civil Action No. 04 - 631

v.

Judge Gary L. Lancaster  
Magistrate Judge Lisa Pupo Lenihan

NEIL MECHLING, et al,  
Respondents.

**MEMORANDUM ORDER**

The above-captioned Petition was received by the Clerk of Court on April 26, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 14), filed on October 4, 2005, recommended that the Petition for Writ of Habeas Corpus be dismissed as untimely and that a certificate of appealability be denied. Service was made on the Petitioner at SCI Fayette, Box 9999, LaBelle, PA 15450-0999, and on counsel of record for the Respondents. The parties were informed that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. On October 12, 2005, Petitioner filed Objections to the magistrate judge's Report and Recommendation. (Doc. No. 15). These objections have been found to be without merit. After review of the pleadings and the documents in the case, together with the Report and Recommendation and Petitioner's Objections, the following order is

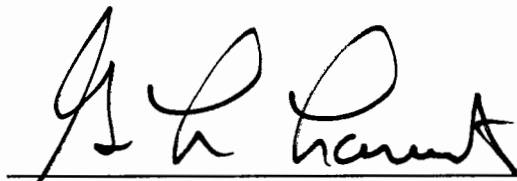
entered:

AND NOW, this 16<sup>th</sup> day of Dec, 2005;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 14) of Magistrate Judge Lenihan, dated October 4, 2005, is adopted as the opinion of the court.

  
The Honorable Gary L. Lancaster  
United States District Court Judge

cc: Lisa Pupo Lenihan  
UNITED STATES MAGISTRATE JUDGE

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